



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,942	01/10/2001	Stephen Huxter	25350-705	9602

21971 7590 03/05/2004

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 943041050

EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,942

Applicant(s)

HUXTER, STEPHEN

Examiner

Jamisue A. Webb

Art Unit

3629

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they are replete with errors. There are multiple reference numerals in the drawings which are not mentioned in the specification, and there are also multiple reference numerals in the specification which are not located in the drawings. The examiner suggests correcting the specification as well as the drawings to make sure each and every reference numeral must be located in each the specification as well as the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 3629

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 6, 7, 10-15, 28-33, 36-38, 41, 44 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukuda (6,085,170).

4. With respect to Claims 1, 15, 28-33, 41 and 44: Tsukuda discloses a method of arranging a delivery (see abstract) of an item ordered over the Internet (column 2, lines 37-41), where a first address is received (column 4, lines 62-67) and a collection point for delivery (referred to as an agent) is determined (column 9, lines 38-46, Figure 12) from an agent server (113, Figures 13). Tsukuda discloses the collection point for delivery contains a plurality of lockers (column 9, lines 38-46). Tsukuda also discloses the use of a courier database, located on a third server, where a courier is selected from (column 10, lines 13-22).

5. With respect to Claims 2, 9 and 38: Tsukuda discloses the collection point address being different from the first address (column 6, lines 1-7).

6. With respect to Claims 6, 7, 36 and 37: See above for Claim 1 as well as Column 10, lines 23-30.

7. With respect to Claims 10-14: Tsukuda discloses a time range for delivery being the same day as well as within two hours (See Figure 3).

8. With respect to Claim 46: See Column 10, lines 22-67.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3629

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda.

11. Tsukuda, as disclosed above for Claim 1, teaches the use of a collection point with a plurality of lockers, but fails to disclose the collection point being the closest collection point to the 1st address. It is obvious and well known in the art that when delivering a package or mail to a different location other than the residential address, that it will be delivered to the closest point. For example when mail is sent from one place to another, it must first go to a local post office, before being delivered to the residential address. The mail will go to the closest post office to the individual. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the closest collection point to the 1st address for ease of delivery and pick up.

12. Claims 4, 5, 27, 39, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of Attendahl et al. (6,571,213).

13. Tsukuda as disclosed above, discloses the use of a carrier list, but fails to disclose generating a list of couriers with price and selecting the lowest price courier. Attendahl discloses the use of a shipping system where a list of available couriers with prices is given and where the lowest price courier is chosen (column 6, lines 1-17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the courier of Tsukuda be selected, as disclosed by Attendahl, in order to provide an automatic system of selecting the most beneficial carrier (See Attendahl, columns 2 and 6).

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of Attendahl, in further view of Kirsch (5,963,915).

15. Tsukuda and Attendahl, as disclosed above for Claim 27, disclosed the use of the orders being placed on the internet, but fails to disclose the address being embedded in a cookie. Kirsch discloses the use of a purchasing agreement being doing over the internet where cookies are used for addresses (column 7, line 43 to column 8, line 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have information such as addresses embedded into a cookie, as disclosed by Kirsch, in order to eliminate redundant user input when completing a transaction over the internet (see Kirsch Column 2).

16. Claims 16-26, 34, 35, 44 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda and Attendahl as applied to claim 15 above, and further in view of Ogilvie et al. (6,344,796).

17. With respect to Claims 16, 18, 19, 23, 34 and 44: Tsukuda and Attendahl, as disclosed above, teaches the use of a collection point with a plurality of lockers, but fails to disclose the specifics of the locker, and the locker being controlled by a microcontroller. Ogilvie discloses a collection point with a plurality of lockers with a central controller that controls the locks of the locker (column 2, lines 1-8, column 4, lines 13-44) and with a unique identifier for each courier (column 4, line 54 to column 5, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the collection point of Tsukuda be

Art Unit: 3629

equipped with the locker system of Ogilvie, in order to provide a secure low cost unattended delivery collection point (See Ogilvie, column 1).

18. With respect to Claim 17: See Ogilvie, Column 3, lines 62-64.
19. With respect to Claim 20: See Ogilvie, Column 4, lines 13-44.
20. With respect to Claim 21: See Ogilvie, Column 4, lines 54-61 and column 5, lines 23-30.
21. With respect to Claim 22: See Ogilvie, Column 1, lines 61-67.
22. With respect to Claim 24: See Ogilvie Column 4, lines 24-44
23. With respect to Claim 25: See Tsukuda, Column 10, lines 1-4.
24. With respect to Claim 26: See Ogilvie, Figure 1.
25. With respect to Claim 35: See Tsukuda, Column 5, lines 49-67.
26. With respect to Claims 47-51: See Ogilvie Column 3, line 66 to Column 4, line 44.

27. Claims 37 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda, Attendahl and Ogilvie et al. as applied to claims 15 and 27 above, and further in view of Kaarsoo et al. (5,475,378).
28. Tsukuda, Attendahl and Ogilvie as disclosed above, discloses the use of a locker with a keypad able to receive codes, but fails to disclose the use of a password. Kaarsoo discloses the use of an electronic access control mail box system with access to the box being given by the use of passwords (column 4, lines 27-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the access code of Tsukuda, Attendahl and Ogilvie, be a password, as disclosed by Kaarsoo, in order to provide a high level of protection against unauthorized access to the system. (See Kaarsoo, column 4).

Conclusion

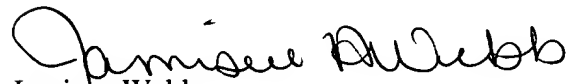
29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Wojcik et al. (5,666,493) discloses an order consolidation process, Watabe (5,223,829) discloses the use of electronic automated lockers, Tateno et al. (4,836,352) discloses the use of a package collection locker, Barns-Slavin et al. (5,995,950) discloses the use of discounts for multiple parcels, Stephens et al. (6,223,782) discloses the use of an unattended delivery system, Komei (4,894,717) discloses the use of a delivered article storage system, and Porter (5,774,053) discloses the use of a storage device for the delivery and pick up of goods, Griffen et al. (WO 01/37712) discloses the use of an unattended transfer device for outbound shipment of packages, and Mailboxes Etc. (www.mbe.com) offers a 3rd party location for the delivery of mail and packages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamise Webb

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600